

NO. C-2903-13-E

JUN 06 2013

STATE OF TEXAS,
Plaintiff

v.

EDELMIRO ALCOCER AND
JESUS GARCIA,
Defendants

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IN THE DISTRICT COURT

LAURA HINOJOSA, CLERK
District Courts, Hidalgo County

By _____ Deputy#9

HIDALGO COUNTY, TEXAS

275th JUDICIAL DISTRICT

AGREED TEMPORARY INJUNCTION ORDER

1. On June 4, 2013, Plaintiff STATE OF TEXAS and Defendants EDELMIRO ALCOCER and JESUS GARCIA (hereafter "Defendants") in the above entitled and numbered cause came before this Court. The STATE OF TEXAS, by and through Texas Attorney General GREG ABBOTT and Defendants, appeared through their attorney at which time the parties presented to the Court this Agreed Temporary Injunction (hereafter "injunction").
2. By and through their duly authorized signatures, the parties represented to the Court the following: that they understand the terms of this injunction; that they agree to the terms of this injunction; that they have participated in the negotiations leading up to this injunction and are well aware of the duties placed upon them by it and are desirous and capable of carrying out those duties in full; that they acknowledge receipt of copies of this injunction and have full and actual notice of terms of this injunction; that the issuance and service of a writ of injunction are waived; and that the terms of this injunction are sufficiently detailed and specific to be enforceable by the Court in conformance with TEX.R.CIV.P. 683.

3. The Court finds that this Injunction is in accord with the Texas Deceptive Trade Practices - Consumer Protection Act (DTPA), TEX. BUS. & COM. CODE ANN. §17.41 *et seq.* and the Texas Dental Practice Act (TDPA), TEX. OCC. CODE ANN. §251.001 *et seq.*

4. IT IS THEREFORE ORDERED that Defendants EDELMIRO ALCOCER and JESUS GARCIA, their officers, agents, servants, employees, attorneys, and any other persons acting in concert or participation with Defendants who receive actual notice of this injunction by personal service or otherwise, are hereby restrained from engaging in, or attempting to engage in, the following described acts unless Defendants are licensed to practice dentistry and in good standing in the state of Texas:

- a. Owning, operating, managing, performing a consultation or other service in any capacity, or engaging in the practice of dentistry or medicine, dental surgery, dental hygienist, dental assistant, dental laboratory, or representing to practice dentistry (as those practices are defined by State law);
- b. Advertising, offering for sale, selling, or providing a service that constitutes the practice of dentistry or medicine, dental surgery, dental assistant, dental laboratory, or dental hygienist;
- c. Performing consulting or offering another service as an independent contractor or as an employee in any capacity with a person licensed to practice dentistry or dental hygiene;
- d. Holding themselves out, by any means, to the public as a “dentist”, “DDS”, “doctor”, “DMD”, “denturist”, or any other description or abbreviation thereof;

- e. Accepting, soliciting, or charging money or valuable consideration for any service that constitutes dentistry or medicine, dental surgery, dental assistant, dental laboratory, or dental hygienist;
 - f. Using or operating any dental or medical device or instrument on a third party;
 - g. Diagnosing, treating, or offering to treat, a tooth or dental disorder or condition;
 - h. Prescribing any medication;
 - i. Representing, directly or by implication, that Defendants have the skills, qualifications, and knowledge necessary to dispense a service that constitutes dentistry, dental surgery, dental assistant, dental laboratory, or dental hygienist;
 - j. Concealing, withholding, destroying, mutilating, altering, falsifying, or removing from the jurisdiction of this Court any medical and/or dental device or equipment, books, records, documents, invoices, receipts, or other written materials relating to the business of Defendants currently or hereafter in Defendants' possession, custody or control except in response to further orders or subpoenas in this cause; and
 - k. Representing, directly or by implication, that this Court or the Office of the Texas Attorney General has approved any good or service sold or offered for sale by Defendants, or has approved any business practice of Defendants.
5. IT IS FURTHER ORDERED that Defendants post notice at their place of business, at 1901 N. Glasscock Road, Lot 2, Mission, Texas 78572, 1810 Village Square, Mission, Texas 78572, and at any other place in the state of Texas where Defendants may conduct business, which notice shall be conspicuous, in bold-faced type of a minimum size of 40 points, in both English and Spanish, and shall state:

NOTICE

EDELMIRO ALCOCER AND JESUS GARCIA ARE PROHIBITED FROM PERFORMING ANY DENTAL PROCEDURE OR CONDUCTING BUSINESS AS A DENTIST BY ORDER OF THE DISTRICT COURT OF HIDALGO COUNTY.

IF YOU HAVE ANY QUESTIONS, OR IF YOU BELIEVE YOU WERE A VICTIM, PLEASE CALL 956-682-4547.

THIS NOTICE IS PLACED HERE BY ORDER OF THE COURT AND IT IS NOT TO BE REMOVED UNTIL FURTHER ORDER OF THE COURT.

AVISO

EDELMIRO ALCOCER Y JESUS GARCIA ESTAN PROHIBIDO A REALIZAR CUALQUIER PROCEDIMIENTO DENTAL O NEGOCIOS COMO UN DENTISTA POR ORDEN DE LA CORTE DE DISTRITO DE CONDADO DE HIDALGO.

SI USTED TIENE ALGUNA PREGUNTA O PIENSA QUE FUE UNA VICTIMA, POR FAVOR LLAME AL 956-682-4547.

ESTE AVISO ES PUESTO EN ESTE EDEFICIO POR ORDEN DE LA CORTE Y NO DEBE SE ELIMINADO PERO POR ORDEN DE LA CORTE.

6. This order shall be effective without the execution and filing of a bond as Plaintiff
STATE OF TEXAS is exempt from such bond under TEX. CIV. PRAC. & REM. CODE §6.001 and TEX. BUS. & COM. CODE ANN. §17.47(b).
7. This temporary injunction order shall be effective immediately and shall remain in full force and effect until final judgment in this cause is rendered by the Court, or until further orders of this Court.

8. IT IS FURTHER ORDERED that trial on the merits of this cause be set for January 27, 2014, at 9:00 a.m.

SIGNED on _____, 2013.

JUDGE PRESIDING

AGREED AS TO FORM AND SUBSTANCE AND ENTRY REQUESTED:



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